



Senate

General Assembly

File No. 131

February Session, 2012

Substitute Senate Bill No. 324

Senate, March 27, 2012

The Committee on Public Safety and Security reported through SEN. HARTLEY of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4-77a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The estimates of expenditure requirements transmitted by the
4 administrative head of each budgeted agency to the Secretary of the
5 Office of Policy and Management, pursuant to section 4-77, shall
6 include an estimate of the amount required by such agency for the
7 payment of the workers' compensation claims of the employees of each
8 such agency. Appropriations which are recommended in the budget
9 document transmitted by the Governor in the odd-numbered years or
10 the status report transmitted by the Governor in the even-numbered
11 years to the General Assembly pursuant to section 4-71 or contained in
12 the state budget act or any deficiency bill, as provided in section 2-36,
13 for the payment of such claims shall be made as follows: (1) For the

14 Departments of Developmental Services, Mental Health and Addiction
15 Services, Correction, Transportation, [Public Safety] Emergency
16 Services and Public Protection and Children and Families, directly to
17 said agencies; (2) for all other budgeted state agencies, to the
18 Department of Administrative Services which shall maintain an
19 account for payment of workers' compensation claims.

20 Sec. 2. Section 7-294m of the general statutes is repealed and the
21 following is substituted in lieu thereof (*Effective from passage*):

22 (1) The Police Officer Standards and Training Council established
23 under section 7-294b, in conjunction with the office of the Chief State's
24 Attorney and the Connecticut Police Chiefs Association, and (2) the
25 Division of State Police within the Department of [Public Safety]
26 Emergency Services and Public Protection, in conjunction with the
27 office of the Chief State's Attorney, shall provide instruction on the
28 subject of new legal developments which affect police policies and
29 practices concerning the investigation, detection and prosecution of
30 criminal matters, each year to the chief law enforcement officer of each
31 municipality and any person designated by such officer to serve in
32 such capacity in such officer's absence. Each such officer may be given
33 credit for such course of instruction toward the certified review
34 training required by subsection (a) of section 7-294d. Such training
35 program shall be named "The John M. Bailey Seminar on New Legal
36 Developments Impacting Police Policies and Practices".

37 Sec. 3. Section 16-50j of the 2012 supplement to the general statutes
38 is repealed and the following is substituted in lieu thereof (*Effective*
39 *from passage*):

40 (a) There is established a "Connecticut Siting Council", hereinafter
41 referred to as the "council", which shall be within the Department of
42 Energy and Environmental Protection for administrative purposes
43 only.

44 (b) Except for proceedings under chapter 445, this subsection and
45 subsection (c) of this section, the council shall consist of: (1) The

46 Commissioner of Energy and Environmental Protection, or his
47 designee; (2) the chairperson of the Public Utilities Regulatory
48 Authority, or the chairperson's designee; (3) one designee of the
49 speaker of the House and one designee of the president pro tempore of
50 the Senate; and (4) five members of the public, to be appointed by the
51 Governor, at least two of whom shall be experienced in the field of
52 ecology, and not more than one of whom shall have affiliation, past or
53 present, with any utility or governmental utility regulatory agency, or
54 with any person owning, operating, controlling, or presently
55 contracting with respect to a facility, a hazardous waste facility, as
56 defined in section 22a-115, as amended by this act, or an ash residue
57 disposal area.

58 (c) For proceedings under chapter 445, subsection (b) of this section
59 and this subsection, the council shall consist of (1) the Commissioners
60 of Public Health and [Public Safety] Emergency Services and Public
61 Protection or their designated representatives; (2) the designees of the
62 speaker of the House of Representatives and the president pro tempore
63 of the Senate as provided in subsection (b) of this section; (3) the five
64 members of the public as provided in subsection (b) of this section; and
65 (4) four ad hoc members, three of whom shall be electors from the
66 municipality in which the proposed facility is to be located and one of
67 whom shall be an elector from a neighboring municipality likely to be
68 most affected by the proposed facility. The municipality most affected
69 by the proposed facility shall be determined by the permanent
70 members of the council. If any one of the five members of the public or
71 of the designees of the speaker of the House of Representatives or the
72 president pro tempore of the Senate resides (A) in the municipality in
73 which a hazardous waste facility is proposed to be located for a
74 proceeding concerning a hazardous waste facility or in which a low-
75 level radioactive waste facility is proposed to be located for a
76 proceeding concerning a low-level radioactive waste facility, or (B) in
77 the neighboring municipality likely to be most affected by the
78 proposed facility, the appointing authority shall appoint a substitute
79 member for the proceedings on such proposal. If any appointee is
80 unable to perform his duties on the council due to illness, or has a

81 substantial financial or employment interest which is in conflict with
82 the proper discharge of his duties under this chapter, the appointing
83 authority shall appoint a substitute member for proceedings on such
84 proposal. An appointee shall report any substantial financial or
85 employment interest which might conflict with the proper discharge of
86 his duties under this chapter to the appointing authority who shall
87 determine if such conflict exists. If any state agency is the applicant, an
88 appointee shall not be deemed to have a substantial employment
89 conflict of interest because of employment with the state unless such
90 appointee is directly employed by the state agency making the
91 application. Ad hoc members shall be appointed by the chief elected
92 official of the municipality they represent and shall continue their
93 membership until the council issues a letter of completion of the
94 development and management plan to the applicant.

95 (d) For proceedings under sections 22a-285d to 22a-285h, inclusive,
96 the council shall consist of (1) the Commissioners of Public Health and
97 [Public Safety] Emergency Services and Public Protection or their
98 designated representatives; (2) the designees of the speaker of the
99 House of Representatives and the president pro tempore of the Senate
100 as provided in subsection (b) of this section, and (3) five members of
101 the public as provided in subsection (b) of this section. If any one of the
102 five members of the public or of the designees of the speaker of the
103 House of Representatives or the president pro tempore of the Senate
104 resides in the municipality in which an ash residue disposal area is
105 proposed to be located the appointing authority shall appoint a
106 substitute member for the proceedings on such proposal. If any
107 appointee is unable to perform his duties on the council due to illness,
108 or has a substantial financial or employment interest which is in
109 conflict with the proper discharge of his duties under sections 22a-
110 285d to 22a-285h, inclusive, the appointing authority shall appoint a
111 substitute member for proceedings on such proposal. An appointee
112 shall report any substantial financial or employment interest which
113 might conflict with the proper discharge of his duties under said
114 sections to the appointing authority who shall determine if such
115 conflict exists. If any state agency is the applicant, an appointee shall

116 not be deemed to have a substantial employment conflict of interest
117 because of employment with the state unless such appointee is directly
118 employed by the state agency making the application.

119 (e) The chairman of the council shall be appointed by the Governor
120 from among the five public members appointed by him, with the
121 advice and consent of the House or Senate, and shall serve as chairman
122 at the pleasure of the Governor.

123 (f) The public members of the council, including the chairman, the
124 members appointed by the speaker of the House and president pro
125 tempore of the Senate and the four ad hoc members specified in
126 subsection (c) of this section, shall be compensated for their attendance
127 at public hearings, executive sessions, or other council business as may
128 require their attendance at the rate of two hundred dollars, provided in
129 no case shall the daily compensation exceed two hundred dollars.

130 (g) The council shall, in addition to its other duties prescribed in this
131 chapter, adopt, amend, or rescind suitable regulations to carry out the
132 provisions of this chapter and the policies and practices of the council
133 in connection therewith, and appoint and prescribe the duties of such
134 staff as may be necessary to carry out the provisions of this chapter.
135 The chairman of the council, with the consent of five or more other
136 members of the council, may appoint an executive director, who shall
137 be the chief administrative officer of the Connecticut Siting Council.
138 The executive director shall be exempt from classified service.

139 (h) Prior to commencing any hearing pursuant to section 16-50m,
140 the council shall consult with and solicit written comments from (1) the
141 Department of Energy and Environmental Protection, the Department
142 of Public Health, the Council on Environmental Quality, the
143 Department of Agriculture, the Public Utilities Regulatory Authority,
144 the Office of Policy and Management, the Department of Economic
145 and Community Development and the Department of Transportation,
146 and (2) in a hearing pursuant to section 16-50m, for a facility described
147 in subdivision (3) of subsection (a) of section 16-50i, the Department of
148 Emergency Services and Public Protection, [the Department of Public

149 Safety,] the Department of Consumer Protection, the Department of
150 Public Works and the Labor Department. In addition, the Department
151 of Energy and Environmental Protection shall have the continuing
152 responsibility to investigate and report to the council on all
153 applications which prior to October 1, 1973, were within the
154 jurisdiction of the Department of Environmental Protection with
155 respect to the granting of a permit. Copies of such comments shall be
156 made available to all parties prior to the commencement of the
157 hearing. Subsequent to the commencement of the hearing, said
158 departments and council may file additional written comments with
159 the council within such period of time as the council designates. All
160 such written comments shall be made part of the record provided by
161 section 16-50o. Said departments and council shall not enter any
162 contract or agreement with any party to the proceedings or hearings
163 described in this section or section 16-50p, that requires said
164 departments or council to withhold or retract comments, refrain from
165 participating in or withdraw from said proceedings or hearings.

166 Sec. 4. Subdivision (12) of section 21-39a of the 2012 supplement to
167 the general statutes is repealed and the following is substituted in lieu
168 thereof (*Effective from passage*):

169 (12) "Licensing authority" means the chief of police of any town or
170 city or, if such town or city does not have an organized local police
171 department, the Commissioner of [Public Safety] Emergency Services
172 and Public Protection.

173 Sec. 5. Subsection (b) of section 21-40 of the 2012 supplement to the
174 general statutes is repealed and the following is substituted in lieu
175 thereof (*Effective from passage*):

176 (b) The person so licensed shall pay, for the benefit of any such city
177 or town, respectively, or if the licensing authority of such city or town
178 is the Commissioner of [Public Safety] Emergency Services and Public
179 Protection, for the benefit of the Department of [Public Safety]
180 Emergency Services and Public Protection, to the licensing authority a
181 license fee of fifty dollars, and twenty-five dollars per year thereafter

182 for renewal of such license, and shall, at the time of receiving such
183 license, file, with the licensing authority of such city or town, a bond to
184 such city or town, with competent surety, in the penal sum of two
185 thousand dollars, to be approved by such licensing authority, and
186 conditioned for the faithful performance of the duties and obligations
187 pertaining to the business so licensed, unless such person is also
188 licensed as a secondhand dealer in accordance with section 21-47d, as
189 amended by this act, in which case the licensing authority shall waive
190 the payment of renewal fees and filing of a bond required by this
191 subsection.

192 Sec. 6. Subsection (b) of section 21-47d of the 2012 supplement to the
193 general statutes is repealed and the following is substituted in lieu
194 thereof (*Effective from passage*):

195 (b) Any person granted a license under subsection (a) of this section
196 shall pay, for the benefit of the city or town, respectively, or if the
197 licensing authority is the Commissioner of [Public Safety] Emergency
198 Services and Public Protection, for the benefit of the Department of
199 [Public Safety] Emergency Services and Public Protection, to the
200 licensing authority a license fee of two hundred fifty dollars, and one
201 hundred dollars per year thereafter, for renewal of such license, and
202 shall, at the time of receiving such license, file, with the licensing
203 authority, a bond to such city or town, with competent surety, in the
204 amount of ten thousand dollars, to be approved by such licensing
205 authority and conditioned for the faithful performance of the duties
206 and obligations pertaining to the business so licensed.

207 Sec. 7. Subdivision (14) of section 22a-115 of the general statutes is
208 repealed and the following is substituted in lieu thereof (*Effective from*
209 *passage*):

210 (14) "Permanent council members" means the membership for
211 proceedings under this chapter, consisting of the Commissioners of
212 Public Health and [Public Safety] Emergency Services and Public
213 Protection or their designees, five members appointed by the Governor
214 and one designee each of the speaker of the House and the president

215 pro tempore of the Senate;

216 Sec. 8. Subsection (e) of section 22a-119 of the 2012 supplement to
217 the general statutes is repealed and the following is substituted in lieu
218 thereof (*Effective from passage*):

219 (e) Prior to commencing any hearing pursuant to this section the
220 council shall consult with and solicit written comments from the
221 Departments of Energy and Environmental Protection, Public Health,
222 Economic and Community Development, [Public Safety] Emergency
223 Services and Public Protection and Transportation, the Office of Policy
224 and Management and the Council on Environmental Quality. Copies
225 of comments submitted by such agencies shall be available to all
226 parties prior to commencement of the public hearing. Agencies
227 consulted may file additional comments within thirty days of the
228 conclusion of the hearing and such additional comments shall be a part
229 of the record.

230 Sec. 9. Subsection (c) of section 28-32a of the general statutes is
231 repealed and the following is substituted in lieu thereof (*Effective from*
232 *passage*):

233 (c) Information provided by licensed wholesalers pursuant to this
234 section shall not be subject to disclosure under the Freedom of
235 Information Act, as defined in section 1-200, and shall be available only
236 to the Department of Consumer Protection, the Department of Public
237 Health, the [Office] Division of Emergency Management and
238 Homeland Security within the Department of Emergency Services and
239 Public Protection and such other agencies or entities as the
240 Commissioner of Consumer Protection determines, after request by
241 such agency or entity and demonstration of a need for the information
242 for purposes of public health preparedness, pharmacological-terrorism
243 prevention or response, medication integrity or such other purpose
244 deemed appropriate by the commissioner.

245 Sec. 10. Section 29-10b of the general statutes is repealed and the
246 following is substituted in lieu thereof (*Effective from passage*):

247 The Commissioner of [Public Safety] Emergency Services and Public
248 Protection shall charge the following fees for the item or service
249 indicated:

250 (1) Each search of the record files made pursuant to a request for a
251 copy of an accident or investigative report which results in no
252 document being produced, six dollars, and on and after July 1, 1993,
253 sixteen dollars.

254 (2) Each copy of an accident or investigative report, six dollars, and
255 on and after July 1, 1993, sixteen dollars.

256 Sec. 11. Section 45a-99 of the general statutes is repealed and the
257 following is substituted in lieu thereof (*Effective from passage*):

258 (a) The courts of probate shall have concurrent jurisdiction with the
259 Superior Court, as provided in section 52-11, to grant a change of
260 name, except a change of name granted in accordance with subsection
261 (a) of section 46b-63, except that no court of probate may issue an order
262 or otherwise allow for the change of name of a person who is required
263 to register with the Commissioner of [Public Safety] Emergency
264 Services and Public Protection as a sexual offender unless such person
265 complies with the requirements of subdivision (1) of subsection (b) of
266 this section.

267 (b) (1) Any person who is required to register with the
268 Commissioner of [Public Safety] Emergency Services and Public
269 Protection as a sexual offender who files an application with the Court
270 of Probate for a change of name shall (A) prior to filing such
271 application, notify the Commissioner of [Public Safety] Emergency
272 Services and Public Protection, on such form as the commissioner may
273 prescribe, that the person intends to file an application for a change of
274 name, indicating the change of name sought, and (B) include with such
275 application a sworn statement that such change of name is not being
276 sought for the purpose of avoiding the legal consequences of a
277 criminal conviction, including, but not limited to, a criminal conviction
278 that requires such person to register as a sexual offender.

279 (2) The Commissioner of [Public Safety] Emergency Services and
 280 Public Protection shall have standing to challenge such person's
 281 application for a change of name in the court of probate where such
 282 change of name is sought. The commissioner shall challenge the
 283 change of name through the Attorney General. The court of probate
 284 may deny such person's application for a change of name if the court
 285 finds, by a preponderance of the evidence, that the person is applying
 286 for such change of name for the purpose of avoiding the legal
 287 consequences of a criminal conviction.

288 (c) Whenever the court, pursuant to this section, orders a change of
 289 name of a person, the court shall notify the Commissioner of [Public
 290 Safety] Emergency Services and Public Protection of the issuance of
 291 such order if the court finds that such person is listed in the registry
 292 established and maintained pursuant to section 54-257.

293 Sec. 12. Section 53-202e of the general statutes is repealed and the
 294 following is substituted in lieu thereof (*Effective from passage*):

295 Any individual may arrange in advance to relinquish an assault
 296 weapon to a police department or the Department of [Public Safety]
 297 Emergency Services and Public Protection. The assault weapon shall
 298 be transported in accordance with the provisions of section 53-202f.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4-77a
Sec. 2	<i>from passage</i>	7-294m
Sec. 3	<i>from passage</i>	16-50j
Sec. 4	<i>from passage</i>	21-39a(12)
Sec. 5	<i>from passage</i>	21-40(b)
Sec. 6	<i>from passage</i>	21-47d(b)
Sec. 7	<i>from passage</i>	22a-115(14)
Sec. 8	<i>from passage</i>	22a-119(e)
Sec. 9	<i>from passage</i>	28-32a(c)
Sec. 10	<i>from passage</i>	29-10b
Sec. 11	<i>from passage</i>	45a-99
Sec. 12	<i>from passage</i>	53-202e

Statement of Legislative Commissioners:

In sections 3 and 5, technical changes were made for accuracy of reference.

PS *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill will not result in state or municipal fiscal impact. The bill makes technical changes to statute regarding the consolidation of the Department of Emergency Services and Public Protection.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sSB 324

AN ACT CONCERNING THE DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION.

SUMMARY:

This bill makes technical and conforming changes in statutes pertaining to the Department of Emergency Services and Public Protection.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 23 Nay 0 (03/13/2012)